

AMENDED IN SENATE APRIL 17, 1997

AMENDED IN SENATE APRIL 9, 1997

**SENATE BILL**

**No. 603**

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**Introduced by Senator Monteith**

February 24, 1997

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An act to amend Sections 12824 and 12825 of, *and* to add Section 12824.5 to, ~~and to repeal and add Section 13143 to,~~ the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 603, as amended, Monteith. Pesticides: reevaluation.

~~(1) Existing~~

*Existing* law requires every manufacturer of, importer of, or dealer in any pesticide to obtain a certificate of registration from the Department of Pesticide Regulation before the pesticide is offered for sale in this state. Existing law requires a thorough evaluation before a substance is registered as a pesticide for the first time, and also requires pesticides for which a renewal of registration is sought to be evaluated in a like manner.

This bill would require the initial evaluation of a pesticide to be timely. The bill also would require the Director of Pesticide Regulation to adopt regulations establishing the reevaluation process and setting forth the criteria for initiating a reevaluation of a registered pesticide.

~~(2) Existing law requires a person that has registered a pesticide in California for agricultural use to submit specified information to the director either on his or her own initiative~~

~~or when the State Department of Health Services or the State Water Resources Control Board requests the director to obtain that information.~~

~~This bill would, instead, require that information to be submitted to the director only to the extent that information is required by the United States Environmental Protection Agency as part of an application for federal registration of the pesticide.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12824 of the Food and  
2 Agricultural Code is amended to read:

3 12824. The director shall endeavor to eliminate from  
4 use in the state any pesticide that endangers the  
5 agricultural or nonagricultural environment, is not  
6 beneficial for the purposes for which it is sold, or is  
7 misrepresented. In carrying out this responsibility, the  
8 director shall develop an orderly program for the  
9 continuous evaluation of all pesticides actually registered,  
10 also known as reevaluation.

11 Before a substance is registered as a pesticide for the  
12 first time, there shall be a thorough and timely evaluation  
13 in accordance with this section. Appropriate restrictions  
14 may be placed upon its use including, but not limited to,  
15 limitations on quantity, area, and manner of application.

16 The director may establish specific criteria to evaluate  
17 a pesticide with regard to the factors listed in Section  
18 12825. The department may establish performance  
19 standards and tests that are to be conducted or financed,  
20 or both conducted and financed, by the registrants,  
21 applicants for registration, or parties interested in the  
22 registration of those pesticides.

23 SEC. 2. Section 12824.5 is added to the Food and  
24 Agricultural Code, to read:

25 12824.5. (a) It is the intent of the Legislature that the  
26 department's program for reevaluation established  
27 pursuant to Section 12824 and this section be managed as



1 a consistent, structured process for assessing and  
2 mitigating pesticide risks. The program should achieve  
3 equitable and timely results in those evaluations while  
4 ensuring the most efficient use of resources, public  
5 participation, and a prioritization of efforts to initiate  
6 reevaluation actions that focus on the greatest potential  
7 risks.

8 (b) The director shall adopt regulations establishing  
9 the reevaluation process required by Section 12824.  
10 These regulations, at a minimum, shall do all of the  
11 following:

12 (1) Establish criteria for initiating a reevaluation of a  
13 registered pesticide.

14 (2) Ensure that activities to protect the environment  
15 required by this division are appropriately prioritized to  
16 address pesticide uses of greatest concern.

17 (3) Establish procedures for (A) identifying specific  
18 timeframes within which specific actions in a  
19 reevaluation process should be completed and (B)  
20 providing for public participation in both the  
21 characterization and mitigation of any significant adverse  
22 effects.

23 (c) The director may establish specific criteria for the  
24 reevaluation of a pesticide with regard to the factors  
25 listed in Section 12825 and may require registrants of  
26 pesticides under reevaluation to conduct studies or tests  
27 that are relevant to the focus of the reevaluation.

28 SEC. 3. Section 12825 of the Food and Agricultural  
29 Code is amended to read:

30 12825. Pursuant to Section 12824, the director, after  
31 hearing, may cancel the registration of, or refuse to  
32 register, any pesticide:

33 (a) That has demonstrated serious uncontrollable  
34 adverse effects either within or outside the agricultural  
35 environment.

36 (b) The use of which is of less public value or greater  
37 detriment to the environment than the benefit received  
38 by its use.

(c) For which there is a reasonable, effective, and practicable alternate material or procedure that is demonstrably less destructive to the environment.

(d) That, when properly used, is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety.

(e) That is of little or no value for the purpose for which it is intended.

(f) Concerning which any false or misleading statement is made or implied by the registrant or his or her agent, either verbally or in writing, or in the form of any advertising literature.

(g) For which the director determines the registrant has failed to report an adverse effect or risk as required by Section 12825.5.

(h) If the director determines that the registrant has failed to comply with the requirements of a reevaluation or to submit the data required as part of the reevaluation of the registrant's product.

(i) That is required to be registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.) and that is not so registered.

In making a determination pursuant to this section, the director may require those practical demonstrations that are necessary to determine the facts.

~~SEC. 4. Section 13143 of the Food and Agricultural Code is repealed.~~

~~SEC. 5. Section 13143 is added to the Food and Agricultural Code, to read:~~

~~13143. (a) This section establishes data requirements that are applicable to pesticide registrants and applicants for pesticide registration in this state. The data shall be used by the department as part of the effort to develop and implement a coordinated program to protect water quality and the beneficial uses of water from the adverse effects of pesticides, to establish program priorities, including water monitoring programs, and to take regulatory action when necessary to ensure that the use of pesticides does not pose a threat to water quality.~~

1 ~~(b) To the extent that any of the following data is~~  
2 ~~required by the United States Environmental Protection~~  
3 ~~Agency as part of an application for federal registration~~  
4 ~~or reregistration, that same data shall be submitted as part~~  
5 ~~of a complete application for a California registration:~~

6 ~~(1) Water solubility.~~

7 ~~(2) Vapor pressure.~~

8 ~~(3) Octanol-water partition coefficient.~~

9 ~~(4) Soil absorption coefficient.~~

10 ~~(5) Henry's Law constant.~~

11 ~~(6) Dissipation studies, including hydrolysis,~~  
12 ~~photolysis, aerobic and anaerobic soil metabolism, field~~  
13 ~~dissipation, and other studies of offsite movement.~~

14 ~~(c) The director, with reasonable cause, may require~~  
15 ~~a person applying to register a pesticide in California, or~~  
16 ~~a person that has registered a pesticide in California, to~~  
17 ~~submit to the director chemical, physical, aquatic toxicity,~~  
18 ~~and environmental fate information in a form and~~  
19 ~~manner specified by the director in the written~~  
20 ~~requirement for the data as a condition of initial or~~  
21 ~~continued registration in this state. The director, in~~  
22 ~~addition, may require specified testing protocols that are~~  
23 ~~specific to California soil and climate conditions. The~~  
24 ~~information may be required for each active ingredient~~  
25 ~~in each pesticide registered. The director also may~~  
26 ~~require this information for other specified ingredients~~  
27 ~~and degradation products of an active ingredient in any~~  
28 ~~pesticide.~~